

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. _____

US AIRWAYS, INC.,

Plaintiff,

v.

US AIRLINE PILOTS ASSOCIATION and
MICHAEL J. CLEARY,

Defendants.

**DECLARATION OF LYLE HOGG IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

I, LYLE HOGG, declare and state as follows:

1. I am employed by US Airways, Inc. ("US Airways" or "the Company"), as Vice President of Flight Operations. In this position, I have responsibility for US Airways' flight technical operations and flight training groups, maintaining the airline's operations specifications, and overseeing operations compliance with all Federal Aviation Administration ("FAA") requirements. I also supervise US Airways' daily flight operations and the pilot and administrative management teams. I have personal knowledge of the facts set forth below and if called as a witness in this matter, I could and would competently testify thereto.

2. My declaration is organized into four sections. Section A provides background information regarding my work experience at US Airways. Section B describes certain aspects of the campaign of the US Airline Pilots Association ("USAPA") to interfere with US Airways' operations. Section C describes a number of specific communications issued by USAPA and individual pilots in support of the slowdown campaign. Section D addresses certain efforts by US Airways in response to USAPA's slowdown campaign in an attempt to deter pilots from disrupting the Company's operations.

A. Background

3. I have worked at US Airways for more than two decades. I have held my current position since 2008. Between 2006 and 2008, I worked as the Managing Director of Flight Operations for US Airways, overseeing all pilot domiciles and more than 5,000 pilots. From 2002 to 2006, I was the Senior Director of Flight Operations, responsible for the US Airways' Flight Operations Department. Between 1999 and 2002, I was a Regional Director of Flying (Chief Pilot) at the Washington, D.C./Dulles crew base, and between 1996 and 1999, I was an Assistant Chief Pilot at that base. Prior to 1996, I was a Line Pilot on the BAC 1-11, DC-9, Boeing 737, and Airbus A320 family of aircraft.

4. I received a Bachelor of Science in Finance from Lehigh University, and completed the Commercial Flight Training Program at Flight Safety International Academy.

B. USAPA's Campaign Directed at Various Pilot Metrics

Check Pilots' Refusal to Accept FCR Requests

5. Check pilots are pilots who also conduct periodic tests of other pilots required by the FAA. Under the collective bargaining agreement governing East pilots, US Airways may employ a procedure of voluntary flight assignments known as "FCR flying" — which means Flying at Company Request — if the Company is unable to cover all its flights with regular or reserve pilots. This is one of several processes that is used to staff "open flying" — that is, flights that do not have a pilot assigned to them, generally because the pilot originally assigned to the flight has called in sick — by offering that flight to a check pilot.

6. While voluntary, under status quo conditions, some portion of US Airways' check pilots will seek out this work because it allows them to increase their income. Historically, US Airways has not had any difficulty finding check pilots to accept FCR requests. Following USAPA's campaign to stop check pilots from accepting these requests as described in the

Declaration of E. Allen Hemenway, since April 2010, check pilots do not often accept FCR requests and this flying has declined significantly. By way of example, from January 2010 through April 2010, check pilots flew, on average, 7.5 FCR flights per month; but from May 2010 through June 2011, check pilots flew, on average, only 2.3 FCR flights per month.

Refusals to Fly Aircrafts with Legal Minimum Equipment Lists and Maintenance Write-Ups

7. Under FAA regulations, an airline is entitled to defer maintenance on a variety of equipment items — known as “deferrable,” “minimum equipment list,” or “MEL” items — that do not affect flight safety. These items can be “written up” by a pilot in the Flight Deck Maintenance Log maintained for each aircraft. While there is no prohibition against pilots writing up any and all maintenance items, including very minor items (e.g., broken passenger light, non-essential placards, or a host of other items), in normal circumstances, pilots exercise their authority and discretion to not write up deferrable minor items when it could produce a delay or cancellation of a flight.

8. In late November/early December 2010 (including over the Thanksgiving holiday weekend, one of the busiest travel periods of the year), USAPA issued a number of communications falsely advising pilots that small holes known as “inspection holes” on the underside of the flaps of certain aircraft (the Airbus A-319, A-320, and A-321) must be covered in order for the aircraft to be operated in accordance with requirements established by the FAA, and that this maintenance item could not be deferred under the MEL process. When these aircraft are new and in proper repair, these inspection holes are covered with tape.

9. Specifically, on November 30, 2010, USAPA’s Safety Committee Chairmen issued an “Airbus Safety Alert” stating that if covers were missing from these inspection holes it had an effect on the aircraft’s airworthiness. The publication stated that pilots are required to enter any missing inspection hole covers in the Flight Deck Maintenance Log. USAPA’s

publication stated that while a missing inspection hole cover could not be deferred via the MEL process, the inspections holes could be temporarily repaired with tape, provided that a different permanent repair was completed within 48 hours. It also stated that if a pilot were to fly an aircraft with a missing inspection hole cover, the pilot was “at risk from both a safety and [FAA] violation perspective.” I have attached as Exhibit 1 a true and correct copy of USAPA’s November 30, 2010 Airbus Safety Alert.

10. The information contained in USAPA’s November 30, 2010 Airbus Safety Alert was false. Moreover, at no time prior to USAPA’s dissemination of this Safety Alert did USAPA confer with anyone from the Company to determine the actual requirements regarding the inspection hole covers.

11. For issues related to specific aircraft, such as this, the manufacturer of the aircraft makes the determination and issues guidance as to whether there is any impact as to the airworthiness of the aircraft. The FAA does not go into that level of detail, and the manufacturer’s guidance is controlling absent contravening guidance from the FAA. As to this issue, as long ago as 2004, the Company was advised by Airbus (the manufacturer of the aircraft) that inspection hole covers on these aircraft did not create an airworthiness issue, and can be restored “at the next convenient opportunity.” US Airways, however, self-imposed a restriction of 100 flight hours within which the repair should be made. Moreover, the permanent repair, contrary to USAPA’s alert, is simply to re-apply tape over the inspection hole cover. That advice was also reconfirmed with the aircraft manufacturer following USAPA’s alert. I have attached as Exhibit 2 a true and correct copy of the communication from Airbus in 2004, and as Exhibit 3 a true and correct copy of the communication from Airbus in 2010.

12. Thus, in response to USAPA's November 30, 2010 Airbus Safety Alert, the Company sent a message to all crewmembers on that same day in order to correct the misinformation disseminated by USAPA. I have attached as Exhibit 4 a true and correct copy of the Company's message to all pilots.

13. In response to the Company's message, on December 1, 2010, USAPA released an "Update on Airbus Safety Alert" that was sent to all pilots. This Alert also contained false information. The Alert claimed that, "[i]n response to [the Safety Committee's November 30 Alert], the Company has obtained relief to allow up to 100 flight hours of operation without the inspection ports being covered." But Airbus never suggested that inspection hole covers were in any way related to the airworthiness of an aircraft, and the Company never sought any relief to allow the aircraft to operate with the covers missing. The 100-hour flight restriction was implemented by the Company on its own accord. I have attached as Exhibit 5 a true and correct copy of the December 1, 2010 Update on Airbus Safety Alert issued by USAPA .

14. As a result of the misinformation from USAPA regarding the inspection hole covers, an inordinate number of pilots wrote up the Airbus aircraft for missing inspection hole covers in the FDML, and refused to operate scheduled flights until repairs (which could have been deferred, and under normal circumstances would had been deferred) had been made.

15. In all, the false communications issued by USAPA in late November/early December 2010 caused 19 flight delays totaling 1,047 minutes, with the average delay lasting 55 minutes. As set forth in the declaration of E. Allen Hemenway, on December 23, 2010, the Company sent USAPA a letter detailing its belief that this was part of an unlawful job action.

Distance Learning

16. Pursuant to FAA requirements, pilots at US Airways (and other commercial airlines) are required to complete certain online training programs, known as “distance learning,” by set deadlines each quarter. If a pilot does not complete the required training by the deadline, he or she will not be “legal” to fly until the training is completed. Thus, if a pilot is scheduled to fly a flight but has not completed his or her required training, the Company will have to find a pilot who has completed the training to fly the trip. If a significant number of pilots collectively wait until just before the deadline or until after the deadline to complete the training, US Airways’ operations would be disrupted because it would be forced to cancel flights.

17. Beginning in mid-April 2011, I learned that US Airways’ pilots were receiving pre-recorded phone calls with a message instructing them to delay the completion of their distance learning due on May 31, 2011. Around this same time, I learned that pilots began receiving live calls. In the recorded and live calls that I was made aware of, the message being conveyed to our pilots was that they should not finish their distance learning by the end of May 2011 to send a message to management. At least one caller stated that he was given a list of phone numbers to call and was calling everyone on the “phone tree.”

18. In both the recorded calls and the live calls, the callers referenced “safety first,” stated “I’m on board,” and asked if the recipient of the call was “on board” — the same slogans found on the lanyards distributed by USAPA and included in other official USAPA-communications. For example, in one recorded call, the caller stated:

This is the captain with a safety action update. I’m on board, and we need you on board, too. The distance learning deadline’s approaching on May 31st. I am asking that you do not finish this module until the deadline of May 31st. The same request is being made of every pilot on the east coast, and it’s very important that you join in the effort. I want to thank you in advance for your participation. This action is part of what will be an inspiring [*sic*] campaign to

restore our careers. The result of this first safety action on our operation is unknown, however the purpose is to send a clear message to management.

I know that participation will require a small sacrifice in our pay and schedules, but a small sacrifice now will pay large dividends in the end. I need to know if you're on board and if you plan on participating now and in the future. If so, would you please provide me with your preferred contact number? Please leave a voicemail at this number with your best contact number for future communications. Thank you.

A recording of the call was obtained by Bob Skinner, Managing Director, Flight Training & Standards, and provided to me. A transcript of the recording is attached to the Declaration of Sloane Giddon.

19. US Airways has investigated the source of these calls. While the Company was able to obtain telephone numbers for some of the calls from "caller ID," and US Airways' corporate security team took measures in an attempt to determine an owner's name for each of these telephone numbers, the Company was only able to confirm that the calls were from telephone numbers associated with pre-paid calling cards/mobile phones. In one of the recorded calls (described above), there are two persons speaking and at the end of the recorded message, one caller confirms with the other: "it doesn't say your name right?" A transcript of the recording is attached to the Declaration of Sloane Giddon.

20. Anonymous pilots also have placed stickers in US Airways' pilot crew rooms and aircraft with the words "Distance Learning" with a circle around it and line through it — the well-known symbol for "No." A true and correct copy of one of these stickers is attached as Exhibit 6.

21. In an effort to prevent flight cancellations, US Airways issued a written message to all pilots on May 19, 2011, stating that it was aware of the campaign to disrupt US Airways' operations by delaying completion of distance learning, and informing pilots that such an illegal

job action would not be tolerated. I have attached as Exhibit 7 a true and correct copy of the May 19, 2011 message sent to all pilots.

22. On May 24, 2011, USAPA responded to US Airways' message by stating that it was "unaware of any concerted action in this regard" and that it did not "condone[] any action in violation of the status quo provisions of the Railway Labor Act." USAPA also posted a short note on its website, "advis[ing] that it is not USAPA's policy to direct its members to collectively schedule their Distance Learning for the purpose of disrupting the Company's flight schedule." USAPA, however, failed affirmatively to direct its pilots to complete distance learning. I have attached as Exhibit 8 a true and correct copy of USAPA's May 24, 2011 letter and as Exhibit 9 a true and correct copy of USAPA's note from its website.

23. USAPA's cursory posting was completely ineffective. As of May 28, 2011 (three days before the FAA-imposed distance learning deadline), 897 pilots (896 of which were East pilots) had not completed their distance learning. Three days before the deadline is relevant because US Airways assigns pilots to "trips" that sometimes last four days — and a pilot that has not completed his training three days before the deadline could not be assigned to such a trip. Because the program is online, the Company was able to ascertain that 60% of these 897 pilots had completed 94% of the training module questions. My understanding is that pilots were encouraged to answer all but the last few questions, saving the last questions until the deadline.

24. As a result, and in order to ensure that there were enough pilots to fly scheduled flights, the Company requested, and was granted, an allowance from the FAA to extend the qualifications of those pilots who had not completed the required training beyond the initial deadline of May 31. Absent this extension from the FAA, the Company would have had to cancel numerous flights.

C. **Official USAPA Communications and Anonymous Pilot Communications Encouraging the Job Action**

USAPA's Communication Systems

25. USAPA has an extensive system of communications that it maintains among its members, including regular meetings, electronic messages, internet sites available only to union members, and telephone trees. USAPA possesses a large number of confidential communication mechanisms to which US Airways does not have access, including its password protected internet site.

USAPA's Communications Regarding the Intent of the Safety Culture Survey

26. On September 30, 2010, before the Safety Culture Survey (as described in the Declaration of Paul Morell) was even conducted, USAPA informed its members that its upcoming "Safety Culture Survey" would "have strong implications beyond just safety." I have attached as Exhibit 10 a true and correct copy of USAPA's September 30, 2010 communication.

27. Further, a March 1, 2011 publication issued by USAPA's Charlotte domicile includes a report of comments made by USAPA's Safety Committee Chairman, Thomas J. Kubik, to USAPA pilots in Charlotte. The comments referencing the Safety Culture Survey include:

- "This report gives us carte blanche authority to take back our airline"; and
- "Peer pressure is very important, our profession is under attack. Speak up to your fellow pilots and let them know they need to be good union pilots."

There is no safety reason for pilots to exert "peer pressure" on other pilots to be "good union pilots." But based on my experience in the airline industry, peer pressure to force each pilot to be a "good union pilot" is common in slowdown campaigns. This same March 1, 2011 publication issued by USAPA's Charlotte domicile encourages pilots to fly "safe" and "slow it

down!” in the middle of a discussion of what it will take for US Airways’ pilots to win their “battle” for a new contract. I have attached as Exhibit 11 a true and correct copy of USAPA’s March 1, 2011 publication.

USAPA Releases a Series of “Safety” Videos Encouraging the Illegal Slowdown

28. In March 2011, USAPA started circulating additional communications to pilots regarding “safety” issues, including a series of videos addressing on-time “pressure distractions,” pilot fatigue as related to hotel and scheduling issues, MEL issues, and taxi issues. These videos show USAPA making direct efforts to change pilots’ behavior in a manner that impacts the operation.

29. The first video, released on March 23, 2011, addresses on-time performance pressure and ground crews approaching aircraft. In the video, Kubik encourages pilots to “notify the flight attendants that [they] have numerous pre-flight checks that cannot be disturbed.” By lengthening the pre-flight process, a pilot can delay the takeoff of the flight — a common technique in slowdown campaigns. Next, on March 30, 2011, USAPA’s Safety Committee released a video addressing pilot fatigue. USAPA’s Safety Committee released yet another video on April 4, 2011, directing pilots not to accept aircraft with MELs — much like it did in November 2010 with respect to inspection hole covers. Transcripts of all of these videos are attached to the Declaration of Sloane Giddon.

USAPA Intensifies Its Campaign, and Anonymous Communications — That Track USAPA’s Campaign Slogans — Also Encourage the Slowdown

30. In approximately April 2011, USAPA started distributing yellow lanyards that pilots wear and use to carry their identification cards that state “Safety First” and “I’m on Board.” The distribution of the lanyards was approximately the same time as the distance learning campaign described above. In response to an inquiry from West pilots regarding the

“Safety First/I’m on Board” lanyards, USAPA’s Communications Chairman stated that: “The lanyards are not however just a ‘party gift’ handed to everyone; they are handed to those, from any domicile, who have first demonstrated that they are onboard with the idea that safety comes before everything else . . . there are pilots roaming the system giving them out to those who demonstrate they are on board. If you’re flying, demonstrate in some fashion that you’re on board and have one of these pilots in the back, I would imagine you’ll get one.” I have attached as Exhibit 12 a true and correct copy of the response from USAPA’s Communications Chairman.

31. There also have been anonymous e-mails encouraging pilots to engage in a variety of other job actions under the false pretense of safety — including the same safety issues and phrases that USAPA has addressed in its official communications. For example, on April 25, 2011, an e-mail was sent to pilots with the subject line “I’M ONBOARD” from an e-mail address (“pilotsarepissedoff@gmail.com”) not associated with an identifiable individual. Among other things, the e-mail asked pilots, beginning on May 1, 2011, to engage in slow taxi, stay home if they are fatigued, and refuse aircraft with legal MELs with the express purpose of “prov[ing] that [the pilots] are willing to endure a summer of inconvenience in exchange for decent wages.” I have attached as Exhibit 13 a true and correct copy of the April 25, 2011 e-mail.

32. The references in the e-mails to “Safety First” and “I’m On Board” match the lanyards with these same statements being distributed by USAPA. Moreover, several of the proposed job actions in the anonymous e-mails match the formal publications being issued by USAPA, including the request that pilots write up all discrepancies when and where they occur, not accept aircraft with MELs, and call in fatigued.

33. During this same time, decals have been placed on aircraft and clipboards at US Airways with a frowning face, the words “HAD ENOUGH YET?!!,” and “+16” or “Had enough of Parker? Time to get serious about a contract BLOCK + 16.” The reference to Parker is to Doug Parker, US Airways’ Chief Executive Officer, and “+16” is a reference to the fact that flights that arrive at least 15 minutes after their scheduled arrival time are considered late and count against an airline’s on-time performance record under the Department of Transportation’s standards. I have attached as Exhibit 14 a true and correct copy of a photograph of one of these decals.

34. On April 27, 2011, USAPA issued a publication entitled “The Iron Compass” that addresses this same issue under the heading “This Week’s Safety First Review Items.” The USAPA publication states: “The Department of Transportation counts a flight as on-time if it arrives less than 15 minutes after the scheduled time shown in the Computer Reservations System; therefore arrivals within 14 minutes (hence, A 14) are considered on-time.” There is no reason for USAPA to include statements regarding the Department of Transportation’s standards for an on-time flight as a safety issue — other than to send a message to pilots to arrive later than 14 minutes to disrupt US Airways’ operations. I have attached as Exhibit 15 a true and correct copy of the April 27, 2011 publication.

35. On May 11, 2011, USAPA released another video — this time, addressing “Chief Pilots,” stating that “[i]f the Captain is dissatisfied with any aspect of the aircraft’s airworthiness and/or maintenance status, if he is not sure the operation can be safely executed, then the operation will stop until he is completely satisfied.” Chief Pilots manage the pilots in their respective domiciles and also have responsibility for flight operations at their specific locations. Chief Pilots play a role in ensuring pilots are safe, operate efficiently, and represent US Airways

in a professional manner. The video emphasized that the purpose is to stop the operation: “Please make sure you understand this part. The operation will stop until he is completely satisfied. That satisfaction has nothing to do with the Chief Pilot. That decision is yours and yours alone.” A true and correct copy of the transcript is attached to the Declaration of Sloane Giddon.

36. Around the same time, USAPA also issued a hard-copy publication, entitled “Safety Committee Operational Guidance,” which was mailed to pilots’ homes and tracked the videos described above regarding maintenance write-ups and otherwise slowing down the operation. I have attached as Exhibit 16 a true and correct copy of the “Safety Committee Operational Guidance.”

37. And on May 9, 2011, USAPA issued a press release, which called for the termination of US Airways’ Vice President of Safety and Regulatory Compliance. I have attached as Exhibit 17 a true and correct copy of USAPA’s May 9, 2011 press release.

38. Next, on May 12, 2011, an e-mail was sent from the e-mail address “thecaptain.safetyfirst@hotmail.com” containing a fake press release (dated June 26, 2011), which announces that US Airways has acquiesced to a new collective bargaining agreement as a result of pilots disrupting the operation and the traveling public choosing other airlines: “The announcement of an agreement seemingly came overnight [T]he frustration felt by the pilots over the slow pace of negotiations appears to have negatively affected the daily operations of the carrier to the point where passengers are ‘booking away’ from the airline potentially costing the carrier hundreds of millions in future revenue. After a stellar performance in 2010 and again in the first half of 2011, when US Airway’s led the industry in on-time and completion factor the carrier recently plummeted to dead-last in on-time, flight completions and customer complaints. .

. . . (Does this intrigue you? Then forward it to your peers and get Onboard!)” I have attached as Exhibit 18 a true and correct copy of the May 12, 2011 e-mail.

39. On May 11, 2011, USAPA issued a publication to pilots entitled “APU Usage and FOM Compliance.” The publication encouraged pilots to delay flights if the aircraft cabin was not at a comfortable temperature: “If your passengers are boarded onto a hot aircraft prior to your arrival, it may be prudent to stop the boarding and have the flight attendants survey those already onboard the aircraft for signs of these symptoms. If they are observed, use your judgment as to the need to remove all passengers from the aircraft and have the paramedics called to evaluate the health of those that appear to be afflicted . . . If you are unable in spite of your best efforts to provide a comfortable aircraft for your passengers you may be left with no choice but to delay the flight until such time as another aircraft is available” I have attached as Exhibit 19 a true and correct copy of USAPA’s May 11, 2011 publication.

40. In the June 22, 2011 edition of “The Iron Compass,” USAPA once again addressed “on-time pressures,” much like it did in its March 23, 2011 video on the same topic. This time, USAPA expressly instructed pilots “to stop the operation” in response to such pressures. I have attached as Exhibit 20 a true and correct copy of the June 22, 2011 publication.

41. In addition to the recent increase in official USAPA publications, there has also been an increase in anonymous e-mails encouraging the slowdown. On July 16, 2011, an e-mail was sent with the subject line “Meaning of being ‘ON BOARD’” from the e-mail address “bus321pilot@gmail.com.” The e-mail stated that “[b]eing ‘ON BOARD’ means . . . do[ing] what you can to help our cause,” including being “15 MINUTES LATE EVERYWHERE.” The e-mail also stated that pilots who do not take these actions should “GET OUT AND STOP

BITCHING ABOUT A CONTRACT.” I have attached as Exhibit 21 a true and correct copy of the July 16, 2011 e-mail.

42. We have also obtained notes indicating that communications encouraging the slowdown are also now being sent to pilots by text message. On approximately July 10, 2011, a note was found in the flight deck of a US Airways’ aircraft stating that: “ALL FUTURE MESSAGES AND ALERTS WILL BE COMMUNICATED VIA TEXT MESSAGE[.] Please text your name and cell number to: 704-249-6660[.] You will be added to the communication list[.] Management is very upset about the deteriorating performance of our airline. It’s time to turn up the heat. WE WILL Prevail[.] Pass this along to another pilot that you know is “ON BOARD[.]” I have attached as Exhibit 22 a true and correct copy of the note.

43. And on July 22, 2011, an e-mail was sent from an e-mail address “angrypilots@gmail.com.” The e-mail noted that a future “action” will take place, and that pilots who have joined the “text network” will receive a text message with the date of the “action” and that it would be “profoundly effective.” Until that time, the e-mail asked pilots to harm the Company’s on time performance numbers by “arriv[ing] at least 16 minutes late most of the time,” writing up maintenance issues “no matter how small they must seem,” and engaging in slow taxi, among other things. The e-mail also thanked pilots “for being on board” and encouraged the use of that phrase in official pilot communications. I have attached as Exhibit 23 a true and correct copy of the July 22, 2011 e-mail.

44. Also on July 22, 2011, an e-mail was sent from the e-mail address “b767pilotdriver@gmail.com” directing pilots to “Remember to SLOW DOWN for safety!!!” After instructing pilots as to various actions they should take to disrupt operations, the e-mail

concluded with: "We have them on the run. Time for the knock out punch." I have attached as Exhibit 24 a true and correct copy of the July 22, 2011 e-mail.

D. Other Efforts By US Airways To Deter Pilots From Engaging in a Slowdown

45. In addition to the letters sent by US Airways to USAPA informing USAPA of its unlawful conduct, as detailed in the Declarations of E. Allen Hemenway and Paul Morell, the Company has also counseled, warned, and disciplined pilots engaging in slowdown tactics in an attempt to deter this activity.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 29th day of July, 2011, at Tempe, Arizona.


Captain Lyle Hogg

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DECLARATION OF LYLE HOGG IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION** was served on Defendants US Airlines Pilots Association and Michael J. Cleary by depositing a copy with the United States Postal Service, certified mail, return receipt, postage prepaid, addressed to the following:

US Airline Pilots Association
c/o Michael J. Cleary
26-A Cedar Point Road
Durham, NH 03824

Michael J. Cleary
26-A Cedar Point Road
Durham, NH 03824

and on Defendant US Airlines Pilots Association via hand delivery to the following address:

US Airline Pilots Association
200 East Woodlawn Road, Suite 250
Charlotte, North Carolina 28217-2207

This the 29th day of July, 2011.

/s/ Robert R. Marcus

Robert R. Marcus

Attorney for Plaintiff